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August 15, 2006

**E-File and By Hand**

The Honorable Sue L. Robinson  
United States District Court for  
the District of Delaware  
844 King Street  
Wilmington, DE 19801

Re: Howard Hess Dental Labs. Inc., et al. v. Dentsply Internat'l, Inc., C.A.  
No. 99-255 (SLR), and Jersey Dental Labs., et al. v. Dentsply Internat'l,  
Inc. C.A. No. 01-267 (SLR)

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Dear Chief Judge Robinson:

Henry Schein, Inc. ("Schein") respectfully submits this letter in connection with the telephonic status conference scheduled for August 16, 2006 in the *Jersey Dental* case identified above, and as a preliminary response to the August 11, 2006 letter submitted by counsel for plaintiffs.

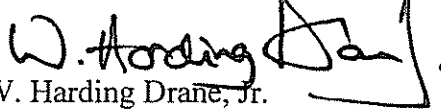
Schein requests that this Court maintain the stay in *Jersey Dental* for a limited period of time so that defendants can submit written proposals and respond in writing to plaintiffs' requests and set a date for the parties to be heard in person on the scheduling and other issues to be resolved in a status conference. The prospective issues are more numerous and more complex than plaintiffs state. Plaintiffs have made statements in their letter with respect to what was and was not decided by the decision of the Third Circuit in this matter, and concerning issues that they represent are not contested, as to which Schein may have a different view.

Moreover, there are 21 other dealer defendants, as well as defendant Dentsply, Inc., that will have views on the issues that are outstanding for resolution and the schedule and procedures for doing so. Schein believes that most or all of these defendants have not been involved in the case, and their counsel have not discussed the case, for more than four years. Scheduling a status conference would provide an opportunity for defendants that wish to do so to confer in an attempt to streamline the proceedings.

Among the issues that will need to be scheduled, for example, are any motions to be made by one or more defendants. In addition to the jurisdictional motions to which plaintiffs referred, one or more of the dealer defendants will likely wish to consider making dispositive motions that could eliminate individual defendants from the case or terminate the lawsuit entirely.

Plaintiffs have not attempted in their letter to explain why merits discovery should proceed simultaneously with discovery on class certification. Schein also submits that plaintiffs' proposal that they proceed with discovery against only certain dealers does not, on its face, appear to save time in resolving the *Jersey Dental* lawsuit and certainly requires more careful consideration than can be afforded it on a telephonic conference with nearly 25 parties represented.

Respectfully submitted,

  
W. Harding Drane, Jr.

cc: Clerk of the Court (by e-file)  
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